

BOARD OF COUNTY COMMISSIONERS

AGENDA ITEM SUMMARY

Meeting Date: April 16, 2003

Division: Growth Management

Bulk Item: Yes ☐ No ☒

Department: Planning Department

AGENDA ITEM WORDING: A public hearing to adopt an ordinance by amending Sec. 9.5-4 (A-5) of the Monroe County Land Development Regulations amending the time restriction for the maintenance of affordable housing from twenty (20) years to fifty (50) years in order to correct a Scrivener's error in Ordinance No. 003-2002.

ITEM BACKGROUND: The Planning Department is proposing to revise Sec. 9.5-4 (A-5) of the Monroe County Land Development Regulations amending the time restriction for the maintenance of affordable housing from twenty (20) years to fifty (50) years in order to correct a Scrivener's error in Ordinance #003-2002 [May 15, 2002]. The proposal was heard and approved on March 3, 2003 at a regular meeting of the Development Review Committee. The proposal was heard and approved by the Planning Commission on March 12, 2003. Only one public hearing is required for this item.

PREVIOUS RELEVANT BOCC ACTION: Ordinance #003-2002 [May 15, 2002]

CONTRACT/AGREEMENT CHANGES: N/A

STAFF RECOMMENDATIONS: Approval

TOTAL COST: N/A

BUDGETED: Yes N/A No ☐

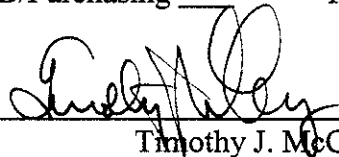
COST TO COUNTY: N/A

SOURCE OF FUNDS: N/A

REVENUE PRODUCING: Yes N/A No ☐ **AMOUNT PER MONTH** N/A **Year** ☐

APPROVED BY: County Atty X OMB/Purchasing ☐ Risk Management ☐

DIVISION DIRECTOR APPROVAL:


Timothy J. McGarry, AICP

DOCUMENTATION: Included X To Follow ☐ Not Required ☐

DISPOSITION: _____

AGENDA ITEM # 43

**AMENDMENT TO THE MONROE COUNTY LAND
DEVELOPMENT REGULATIONS**

Board of County Commissioners
Harvey Government Center
April 16, 2003

PROPOSED AMENDMENT TO MONROE COUNTY LAND DEVELOPMENT REGULATIONS

A request filed by the Monroe County Planning Commission to amend the Monroe County Land Development Regulations by amending Sec. 9.5-4 (A-5) amending the time restriction for affordable housing from twenty (20) years to fifty (50) years in order to correct a Scrivener's error in Ordinance No. 003-2002.

Land Development Regulations text amendment

Staff	Approval	February 5, 2003	Staff Report
DRC	Approval	March 3, 2003	Resolution #D07-03
PC	Approval	March 12, 2003	Resolution #P15-03

BOCC STAFF REPORT

MEMORANDUM

TO: Board of County Commissioners

FROM: Fred Gross, Director of Lower Keys Planning Team

DATE: April 8, 2003

SUBJECT: **Amendment to LDR's affordable housing restrictions.**

I. Background:

The Planning Department is proposing to revise Sec. 9.5-4 (A-5) of the Monroe County Land Development Regulations amending the time restriction for the maintenance of affordable housing from twenty (20) years to fifty (50) years in order to correct a Scrivener's error in Ordinance #003-2002 [May 15, 2002]. The proposal was heard and approved on March 3, 2003 at a regular meeting of the Development Review Committee. The proposal was heard and approved by the Planning Commission on March 12, 2003. Only one public hearing is required for this item.

II ANALYSIS & FINDINGS OF FACT

1. The Commission finds that there is a need to make the change outlined above.
2. The Commission finds that the proposed change is consistent with Section 9.5-511(d)(5)b.(iv) New Issues and (v) Recognition of a need for additional detail or comprehensiveness.
3. The Commission finds that the proposed changes are consistent with the goals of the MC Year 2010 Comprehensive Plan.

III. PROPOSED TEXT

- **Sec. 9.5-4. Definitions shall be amended as follows:**

(A-5) *Affordable housing* refers to residential dwelling units that meet the following requirements: (Ord. No. 47-1999, § 2)

- * Contain less than or equal to one thousand three hundred (1,300) square feet of habitable space; and
- * Meet all applicable requirements of the United States Department of Housing and Urban Development minimum

property standards as to room sizes, fixtures, landscaping and building materials, when not in conflict with applicable laws of Monroe County; and

* Restricted for a ~~twenty-year~~ fifty (50) year period to use by households that meet the requirements of at least one (1) of the following income categories: Very-low, low or median. The requirements for these income categories are provided below.

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Underlined text is new.

IV. RECOMMENDATIONS

Based on the Findings of Fact above, the Monroe County Planning Commission recommends **APPROVAL** of the proposed amendments to the Monroe County Board of County Commissioners.

BOCC ORDINANCE

ORDINANCE NO. -2003

A ORDINANCE BY THE MONROE COUNTY BOARD OF COUNTY COMMISSIONERS APPROVING A REQUEST OF THE MONROE COUNTY PLANNING DEPARTMENT TO AMEND THE MONROE COUNTY LAND DEVELOPMENT REGULATIONS BY AMENDING SEC. 9.5-4 (A-5) (TIME RESTRICTIONS FOR MAINTAINENCE OF AFFORDABLE HOUSING) TO CORRECT A SCRIVENER'S ERROR.

WHEREAS an amendment to Sec. 9.5-4 (A-5) of the Monroe County Land Development Regulations that amends the time restriction for the maintenance of affordable housing from twenty (20) years to fifty (50) years is required by Ordinance NO. 013-2002 amending Section 9.5-266 (a)(6)c and d, and Section 9.5-266(a)(8)a, Monroe County Code in order to correct a scrivener's error in Ordinance #003-2002 [May 15, 2002]; and

WHEREAS, during a regular meeting held on March 12, 2003 the Monroe County Planning Commission conducted a public hearing on the proposed text and recommendations of staff; and

WHEREAS, the Planning Commission after reviewing the staff report voted to recommend the amendment to Sec. 9.5-4 (A-5) to the Board of County Commissioners; and

WHEREAS, the Board of County Commissioners finds that there is a need to make the changes outlined above; and

WHEREAS, the Board of County Commissioners finds that the proposed changes are consistent with Section 9.5-511(e) Typographical or Drafting Errors; and

WHEREAS, the Board of County Commissioners find that the proposed changes are consistent with the goals of the Monroe County Year 2010 Comprehensive Plan

WHEREAS, it is the desire of the Monroe County Board of County Commissioners that the following amendment to the County Code be adopted and transmitted to the state land-planning agency for approval; **NOW THEREFORE**,

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MONROE COUNTY, FLORIDA, THAT:

Section 1. Section 9.5-4 (A-5) [Definitions, Affordable Housing], Monroe County Code, is hereby amended as follows:

Sec. 9.5-4. Definitions shall be amended as follows:

(A-5) *Affordable housing* refers to residential dwelling units that meet the following requirements: (Ord. No. 47-1999, § 2)

- Contain less than or equal to one thousand three hundred (1,300) square feet of habitable space; and
- Meet all applicable requirements of the United States Department of Housing and Urban Development minimum property standards as to room sizes, fixtures, landscaping and building materials, when not in conflict with applicable laws of Monroe County; and
- Restricted for a ~~twenty-year~~ fifty (50) year period to use by households that meet the requirements of at least one (1) of the following income categories: Very-low, low or median. The requirements for these income categories are provided below.

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Underlined text is new.

Section 2. If any section, subsection, sentence, clause, item, change or provision of this ordinance is held invalid, the remainder shall not be affected by such invalidity.

Section 3. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed to the extent of said conflict.

Section 4. The ordinance is hereby transmitted to the Florida Department of Community Affairs pursuant to Chapter 163 and 380, Florida Statutes.

Section 5. This ordinance shall be filed in the Office of the Secretary of State of the State of Florida, but shall not become effective until a notice is issued by the Department of Community Affairs or Administration Commission finding the amendment in compliance with Chapter 163, Florida Statutes.

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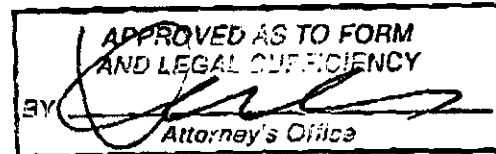
PASSED AND ADOPTED by the Board of County Commissioners of Monroe County,
Florida at a regular meeting held on the _____ day of _____, A.D., 2003.

Mayor Dixie Spehar _____
Mayor Pro Tem Murray Nelson _____
Commissioner Charles "Sonny" McCoy _____
Commissioner George Neugent _____
Commissioner David Rice _____

**BOARD OF COUNTY COMMISSIONERS
OF MONROE COUNTY, FLORIDA**

BY _____
Mayor Dixie Spehar

(SEAL)



ATTEST: DANNY KOHLAGE, CLERK

DEPUTY CLERK

PC RESOLUTION

**MONROE COUNTY, FLORIDA
PLANNING COMMISSION RESOLUTION #P15-03**

A RESOLUTION BY THE MONROE COUNTY PLANNING COMMISSION APPROVING A REQUEST OF THE MONROE COUNTY PLANNING DEPARTMENT TO AMEND THE MONROE COUNTY LAND DEVELOPMENT REGULATIONS BY AMENDING SEC. 9.5-4 (A-5) (TIME RESTRICTIONS FOR MAINTAINENCE OF AFFORDABLE HOUSING) TO CORRECT A SCRIVENER'S ERROR.

WHEREAS, an amendment to Sec. 9.5-4 (A-5) of the Monroe County Land Development Regulations that amends the time restriction for the maintenance of affordable housing from twenty (20) years to fifty (50) years is required by Ordinance NO. 013-2002 amending Section 9.5-266 (a)(6)c and d, and Section 9.5-266(a)(8)a, MCC in order to correct a scrivener's error in Ordinance #003-2002 [May 15,2002]; and

WHEREAS, during a regular meeting held on March 12, 2003, the Monroe County Planning Commission conducted a public hearing on the proposed text and recommendations of staff; and

WHEREAS, the Commission was presented with the following evidence, which by reference is hereby incorporated as part of the record of said hearing;

1. Staffs report prepared on March 5, 2003 by Fred Gross, Island Planning Team Director.
2. Proposed change to the Monroe County Land Development Regulations; and
3. The sworn testimony of the Growth Management Staff;

WHEREAS, the Commission finds that there is a need to make the changes outlined above; and

WHEREAS, the Commission finds that the proposed changes are consistent with Section 9.5-511 (d) (5)b. (iv) New Issues and (v) Recognition of a need for additional detail or comprehensiveness; and

WHEREAS, the Commission finds that the proposed changes are consistent with the goals of the Monroe County Year 2010 Comprehensive Plan; and

NOW THEREFORE, BE IT RESOLVED BY THE PLANNING COMMISSION OF MONROE COUNTY, FLORIDA, that the preceding findings support its decision to recommend **APPROVAL** to the Monroe County Board of County Commissioners of the following change to the text of the Monroe County Land Development Regulations as requested by the Monroe County Planning Department.

PROPOSED TEXT CHANGE:

• **Sec. 9.5-4. Definitions shall be amended as follows:**

(A-5) *Affordable housing* refers to residential dwelling units that meet the following requirements: (Ord. No. 47-1999, § 2)

* Contain less than or equal to one thousand three hundred (1,300) square feet of habitable space; and

* Meet all applicable requirements of the United States Department of Housing and Urban Development minimum property standards as to room sizes, fixtures, landscaping and building materials, when not in conflict with applicable laws of Monroe County; and

* Restricted for a ~~twenty-year~~ fifty (50) year period to use by households that meet the requirements of at least one (1) of the following income categories: Very-low, low or median. The requirements for these income categories are provided below.

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PASSED AND ADOPTED By the Planning Commission of Monroe County,
Florida at a regular meeting held on the 12th day of March 2003.

Chair David C. Ritz
Vice Chair Denise Werling
Commissioner Jerry Coleman
Commissioner Jiulio Margalli
Commissioner Alicia Putney

ABSENT
YES
YES
YES
YES

PLANNING COMMISSION OF MONROE COUNTY, FLORIDA

By _____
David C. Ritz, Chair

Signed this _____ day of _____, 2003

